

Re'd PCT/PTO 19 SEP 2005
PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/002277

International filing date (day/month/year)
05.03.2004

Priority date (day/month/year)
20.03.2003

International Patent Classification (IPC) or both national classification and IPC
H04N1/32

Applicant
EAST KODAK COMPANY

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Authorized Officer

Waern, G

Telephone No. +49 30 25901-464



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/002277

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/002277

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/002277

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: EP-A-1227301
- D2: US-A-2001/0055373
- D3: US-A-6185321

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-8 does not involve an inventive step in the sense of Article 33(3) PCT.

2. The document **D1** is regarded as being the closest prior art to the subject-matter of claim 1 and discloses a mobile telephone equipment provided with a camera, and whereby the geographic localization of the mobile telephone, and consequently of the motive, e.g. a building, photographed, is established whenever a picture is taken by the camera. The motive of the picture taken, can then be identified through its geographic localization data by comparison of this data with data registered in a remote database and representing for example different buildings defined with their geographic localization data.

The subject matter of claim 1 is a method for checking the processing of a digital photo image data from mobile telephone equipment intended for an image service provider.

The subject matter of claim 1 differs from the disclosure of D1 in that after the step of establishing the localization of the mobile telephone (or, the building who's picture is taken) an execution of processing instructions according to the localization data takes place, so as to prevent for example printing of an image where the localization data correspond to a place where image capture is prohibited.

This means that the database comprising the identification of different e.g. buildings according to their geographical localization data also comprises information as to the permission of image capture in that particular place.

Reference is now made to D2, claims 17 and 18, where an information processing

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/002277

device is defined. The data processing comprises then a step of executing a predetermined process on the basis of a comparison of the predetermined data and the position data recorded in the recording means. The information processing device of D2 also comprises authentication means for authenticating whether the external device is an opponent who is permitted to communicate with.

See also D3 disclosing (col 23 lines 31-40) image processing means comprising a step of comparing input data with preregistered data of various copy prohibited specimen images.

Both D2 and D3 thus disclose that it is commonly known to compare pre-registered data and according to the result of this comparison, inhibit certain image processing steps. The skilled person would consider it obvious to use such steps in the arrangement known from D1 in order to establish whether the pictures taken at a certain location are permitted, and continue the processing of such images accordingly.

Consequently, the subject matter of claim 1 does not involve an inventive step.

3. Both D2 (claim 18) and D3 (col 24 lines 8-14) disclose that the images not authenticated are rejected by the receiving means, and the subject matter of claim 2 would then not involve an inventive step.

4. The subject matter of claims 3 and 4 regarding the sending of a message containing executable instructions, in claim 4 specified as prohibiting image data transmission, is obvious from D2.

5. Claim 5 comprises the additional feature that the executable instruction is an instruction of marking the transmitted images. This feature cannot be considered to add an inventive idea to claims 1 or 3, to which claim 5 it refers, but for the skilled person merely representing an obvious modification under the circumstances.

6. Also dependent claims 6-8 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, since these features merely concern modifications obvious to the skilled person.